

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

PHILLIP RICHARDS,

Defendant.

No. 17-cr-142 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The Court is in receipt of the attached letter, dated April 13, 2025, from Defendant Phillip Richards. In his letter, Mr. Richards asks whether it would be possible to expunge his 2018 conviction for conspiracy to distribute marijuana, given that many states have now “legalized the recreational use of marijuana and even the right to sell it.” Letter at 1. He explains that expunging this conviction from his record would allow him to pursue certain careers and other opportunities that are closed to those with criminal records.

Although the Court fully appreciates Mr. Richards’ desire to have more employment options open to him, and commends him for his progress—especially the completion of his associates degree—the Court cannot legally expunge his conviction. First, it is not possible to expunge a federal conviction for conspiracy to distribute narcotics. While many states allow for drug convictions to be expunged, the only federal offense that can be expunged is simple possession of marijuana. *See Doe v. United States*, 833 F.3d 192, 199 (2d Cir. 2016) (citing 18 U.S.C. § 3607). Because Mr. Richards was convicted for a conspiracy to distribute marijuana, the Court has no power to expunge it. *See* Dkt. No. 345 (judgment of conviction under 21 U.S.C. §§ 841(b)(1)(C) and 846). Second, the fact that some states have legalized marijuana does not invalidate or impact the status of Mr. Richards’ conviction. Although possessing and even selling

marijuana is now legal in certain states, “marijuana remains illegal under federal law.” *United States v. Canori*, 737 F.3d 181, 184 (2d Cir. 2013).

The Court wishes Mr. Richards well and is hopeful that, in spite of his conviction, he continues to succeed in his career and personal life. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Richards at 3550 Bivona Street, Bronx, NY, 10475.

SO ORDERED.

Dated: June 26, 2025
New York, New York

A handwritten signature in blue ink, appearing to be 'RA' followed by a long horizontal stroke.

Ronnie Abrams
United States District Judge

04/13/25

Dear Honorable Abrams,

Hello judge Abrams my name is Phillip Richards I was placed under your judgement during a 2017 Federal indictment. My charge was for the distribution of marijuana it is currently the year 2025 and I have completed my probationary period. Also, I have received my associates degree from the time when I was on probation during the COVID era in 2019. The reason I am writing you this letter is during 2020 sometime I realized that they had legalized the recreational use of marijauna and even the right to sell it. As well my question is would that be grounds for me to ask for an early expungement on my record since that was my only charge and involvement in the whole indictment case. The reason I am asking this is I would like to pursue certain careers & opportunities that my federal case hinders me from. I am currently on social security disability and am looking at different outlooks in life trying to find out which would be sufficient enough to support me my family & children. If this is possible I would be greatly appreciative for the help as I would be able to explore my options in other areas that may help my current situation. Docket Number S1 17 CR 142- 017 (RA).

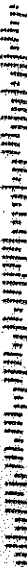
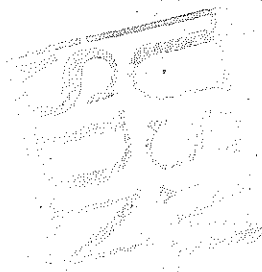
Sincerely Phillip Richards



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Phillip Richards
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Bronx, NY, 10475

500 Pearl St
Manhattan, NY, 10007
Attention
Judge Abrams



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